

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 4142 of 2005

LRS OF SATYA PRAKASH & ORS.

V/S

SPECIAL JUDGE (NDPS), SRIGANGANAGAR & ORS.

Mr. CHAITANYA GAHLOT, for the appellant / petitioner

Mr. VK AGARWAL, Mr. ALKESH for Mr. RR NAGORI & Mr.
VINOD BHADU, for the respondents.

Date of Order : 23.8.2007

HON'BLE SHRI N P GUPTA, J.

ORDER

The appellant has given in writing that in case her bid (Manju Devi) is accepted, she would deposit the amount within a period of six months, and in case her bid is not accepted she would handover possession to the person entitled within a period of six months. Then, respondent no. 4 has also given an undertaking that if her bid is accepted, she will deposit the amount within a period of two months, and that she is not in possession of any of the property. Then the other bidder respondent no.3 submits that if his bid is accepted he would deposit the amount within a period of three months, and would deliver possession of the property when he receives his 1/6th share of the amount.

In view of the above, since there is no controversy about identity of the property, and the

respective shares of the parties as decreed by the learned trial court, the bids were opened. It is found that Smt. Manju has given a bid of the entire property for the sum of Rs. 2 Crore 11 Lacs (Two Crores Eleven Lacs). Then, respondent no. 3 Narendra Kumar has given a bid of Rs. 1,91,11,000/- (One Crore Ninety One Lacs & Eleven Thousand), and the respondent no. 4 Smt. Rajni Bala has given a bid of Rs. 1 Crore only (One Crore). Obviously, the bid given by the appellant Smt. Manju Devi is the highest, and the same is, therefore, accepted.

Accordingly in view of the undertakings given today, Smt. Manju may deposit the balance amount of the bid i.e. after deducting the amount to the extent of her share in the property, and the amount and draft, within a period of six months. On the amount being deposited she would be entitled to get possession of the remaining property i.e. from out of the suit property which is not in her possession, or is with the other parties, and the other parties whoever given undertaking shall deliver possession accordingly, and from rest of the parties the appellant will be entitled to recover possession by execution, and by appropriate process of law. After the appellant receives the actual physical possession, the respective party shall be entitled to withdraw the respective share of the respective amount from the Executing Court. It is made clear that if Smt. Manju Devi fails to deposit the amount

as aforesaid, the amount of draft as annexed with the bid shall stand forfeited to the State, and the property be put to fresh auction between the parties. The drafts of the other two parties be returned forthwith by the Registry.

This disposes of the present writ petition. The order impugned accordingly stands modified. The Executing Court now to proceed with the matter further in accordance with above directions.

(N P GUPTA), J.

/sushil/